



## MEMORANDUM

Agenda Item No. 4(W)

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**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed. D.  
and Members, Board of County Commissioners

**DATE:** December 4, 2003

**SUBJECT:** Road Closing Petition  
P-753  
NW 178<sup>th</sup> Street  
from NW 75<sup>th</sup> Place east  
for approximately 600-feet

**FROM:** George M. Burgess  
County Manager

District: 13

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### RECOMMENDATION

It is recommended that the Board of County Commissioners grant the attached Road Closing Petition following a public hearing. The subject portion of right-of-way for NW 178<sup>th</sup> Street has never been improved or maintained by Miami-Dade County; furthermore, vehicular traffic is not expected to be negatively affected if said right-of-way is vacated.

### BACKGROUND

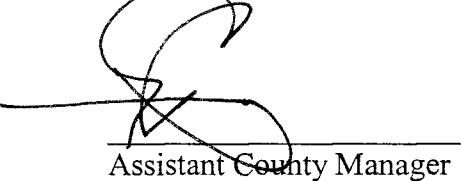
During the 1950's, a development known as the Country Club of Miami, was developed containing six golf courses. Many segments within the master site plan of said project have been further subdivided and developed as residential communities. The petitioner owns a portion of one of the aforementioned planned golf courses. Said property is being platted under the name of Tuscan Lake Villas. This project is bisected by the unimproved portion of NW 178<sup>th</sup> Street subject of this petition. There is no east-west traffic connectivity on NW 178<sup>th</sup> Street, as other portions of said right-of-way to the east were vacated and the roads realigned.

The most recent road closing petition within the Country Club of Miami area was a portion of NW 72<sup>nd</sup> Avenue, to the east of the subject right-of-way, adopted on February 20, 2003 by resolution No. R-150-03. The subject petition involves a 30-foot wide unimproved portion of NW 178<sup>th</sup> Street, from NW 75<sup>th</sup> Place, east for approximately 600-feet. The petitioner, Southwest Florida Land Development and Investors, Inc. (a Florida Corporation) intends to incorporate the subject right-of-way as part of the condominium/townhouse development. The proposal is illustrated in the Site Plan for Tuscan Lake Villa, the Final Plat No. T-21291 approved by the Plat Committee on January 17, 2003. Said development will be accessible from NW 75<sup>th</sup> Place, which runs north-south along the entire east side of the property.

Honorable Chairperson Barbara Carey-Shuler, Ed. D.  
and Members, Board of County Commissioners  
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Tuscan Lake Villas is in zoned district RU-4L (Limited Apartment House District) 23-units/net acre. Private roads, to be provided by the developer, will service all internal vehicular traffic within the project. The subject portion of right-of-way was dedicated in 1911, by the Florida Fruit Lands Company's Subdivision No. 1, recorded in Plat Book 2, Page 17 of the Public Records of Miami-Dade County, Florida. Said dedication was ratified on January 12, 1960 by the Board of County Commissioners per Resolution R-4406-60 recorded in the Official Records Book 1884, Page 501 of Miami-Dade County, Florida. Resolution R-4406-60 ratified a number of rights-of-way dedications never previously formally accepted by the Board of County Commissioners.

The Miami-Dade County Departments of Planning and Zoning, Fire Rescue, Water and Sewer, and Public Works have reviewed this application and have no objections to its approval. The Property Appraiser's Office has assessed the value of the land adjacent to the subject right-of-way at \$5.02 per square foot. Therefore, the approximate cost of the right-of-way would be \$90,000 generating an estimated \$2,260 per year in property taxes.



Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** December 4, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 4 (W)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Agenda Item No. 4(W)

12-4-03

RESOLUTION NO. \_\_\_\_\_

RESOLUTION GRANTING PETITION TO CLOSE  
NW 178<sup>TH</sup> STREET FROM NW 75<sup>TH</sup> PLACE EAST  
TO APPROXIMATELY 600-FEET IN SECTION 11,  
TOWNSHIP 52 SOUTH, RANGE 40 EAST, (ROAD  
CLOSING PETITION NO. 753)

WHEREAS, the County Commission held a public hearing to consider a petition to close NW 178<sup>th</sup> Street from NW 75<sup>th</sup> Place east to approximately 600-feet, as outlined in the accompanying petition and memorandum, a copy of which is incorporated herein by reference ,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, (1) that the alleyway, street, road, highway or other place used for travel as described in the attached petition is hereby vacated, abandoned and closed, all rights of Miami-Dade County and the public in and to the same are hereby renounced and disclaimed; save and except that the land shall be retained as an easement for public utilities; (2) it is found that the action will serve a public purpose and benefit the public without violating private property rights; (3) that the procedure utilized in the adoption of this resolution is expressly ratified and approved; and (4) the Clerk is hereby directed to publish notice of the adoption of this resolution one time within thirty (30) days hereafter in a newspaper of general circulation of Miami-Dade County.

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The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency.



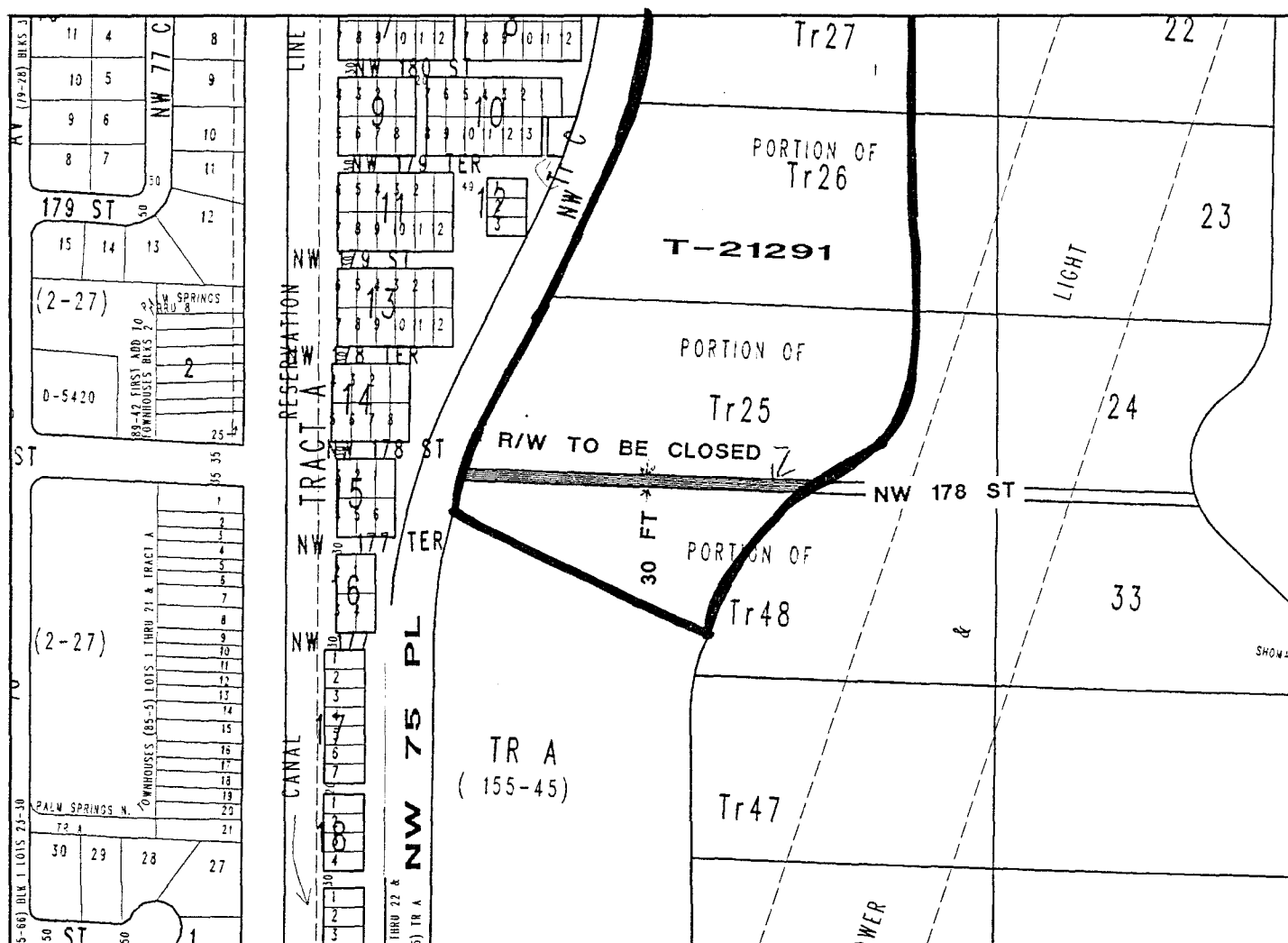
Thomas Goldstein

By: \_\_\_\_\_  
Deputy Clerk

## Rng 40



## Location Plan



## LEGEND



## RIGHT OF WAY TO BE CLOSED



3/24 S.R.  
REV. 9-3-2003

PETITION TO CLOSE ROAD

TO: Board of County Commissioners  
Miami-Dade County, Florida

The undersign, pursuant to Sections 336.09 – 336.12 Florida Statutes, hereby petition the Board of County Commissioners to vacate, abandon, discontinue and close an existing public or private street, alleyway, road, highway, or other place used for travel, or a portion thereof, and to renounce and disclaim any right of the County and the public in and to any land in connection therewith; or to renounce and disclaim any right of County and the public in and to certain land, or interest therein, acquired by purchase, gift, devise, dedication or prescription for street, alleyway, road or highway purposes; or to renounce and disclaim any right of the County and the public in and to certain land delineated on recorded map or plat as a street, alleyway, road or highway.

The undersigned hereby certify:

1. LEGAL DESCRIPTION: The complete and accurate legal description of the road, right-of-way or land sought to be closed is as follows:

SEE EXHIBIT "A" ATTACHED HERETO

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR ROAD CLOSING**  
**FOR**  
**TUSCAN LAKE VILLAS**

Portions of Tracts 25 and 48 of FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 of Section 11, Township 52 South, Range 40 East as recorded in Plat Book 2 at Page 17 of the Public Records of Miami-Dade County, Florida, being more particular described as follows:

Commence at the NW corner of said Section 11; thence S 87°51'22"E along the North line of said Section 11 for 1105.90 feet to the point of curvature of a circular curve to the right, having for its elements a radius of 1145.92 feet and a central angle of 29°23'31"; thence Southeasterly along the arc of said curve and along the centerline of NW 186<sup>th</sup> Street for an arc distance of 587.84 feet to appoint of reverse curvature of a circular curve to the left having for its elements a radius of 1145.92 feet and a central angle of 14°30'25"; thence Southeasterly along the arc of said curve and along said centerline of NW 186<sup>th</sup> Street for an arc distance of 290.14 feet to a point on the Westerly line of the 280.00 foot Florida Power and Light Company easement; thence S17°51'53" W along said easement for 429.51 feet; thence continue S17°51'53" W along said easement for 276.27 feet; thence N72° 08'07"W for 98.98 feet to the point of curvature of a circular curve to the left, having for its elements a radius of 85.00 feet and a central angle of 79°36'53"; thence Westerly and Southerly along the arc of said curve for an arc distance of 118.11 feet to the point of tangency; thence S28°15'00"W for 175.84 feet; thence S23°00'00"W for 220.00 feet; thence S18°35'00"W for 460.00 feet; thence S01°15'00"W for 720.00 feet to a non-tangent point on a circular curve to the right whose radius point bears S85°03'06"W, from said point, having for its elements a radius 150.00 feet and central angle of 86°30'36"; thence Southerly and Westerly along the arc of said curve for an arc distance of 226.48 feet to the point of reverse curvature of a circular curve to the left having for its elements a radius of 240.00 feet and a central angle of 0°30'01'; Thence Southwesterly along the arc of said curve for an arc distance of 2.10 feet to the POINT OF BEGINNING; thence continue along the arc of said circular curve, having a radius of 240.00 feet, through a central angle of 20°11'32" for an arc distance of 84.58 feet; thence run N88°08'50"W for a distance of 589.92 feet to a point on the Easterly right-of-way line of NW 75<sup>th</sup> Place, said point being on the arc of a circular curve, bearing N72°15'54"W from the radius point; thence run Northeasterly along the arc of said curve and along the Easterly right-of-way line of NW 75<sup>th</sup> Place, having a radius of 1105.92 feet, through a central angle of 1°37'22" for an arc distance of 31.32 feet; thence run S88°08'50"E for 659.54 feet to POINT OF BEGINNING

Containing ±18535 SF or ±0.43 acres



2. PUBLIC INTEREST IN ROAD: The title or interest of the county and the Public in and to the above described road, right-of-way or land was acquired and is evidenced in the following manner (state whether public interest acquired by deed, dedication or prescription and set forth where deed or plat is recorded in public records): PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, P.B. 2, Pg. 17 RATIFIED BY R-4406-1960 O.R.B. 1884, Pg. 501 MIAMI-DADE CO.
3. ATTACH SURVEY SKETCH: Attached hereto is a survey or location sketch accurately showing and describing the above described road, right-of-way or land and its location and relation to surrounding property, and showing all encroachments and utility easements.
4. ABUTTING PROPERTY OWNERS: the following constitutes a complete and accurate schedule of all owners abutting upon to the above described road, right-of-way or lands.

PRINT NAME	FOLIO NO.	ADDRESS
<u>SOUTHWEST FLORIDA</u> <u>LAND DEVELOPERS</u> <u>AND INVESTORS INC.</u>	<u>30-2011-001-0017</u>	<u>7590 N.W. 186 STREET</u> <u>UNIT 109 Miami Florida 33015</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. ACCESS TO OTHER PROPERTY: The undersigned certify that in the event this petition is granted no other property owners will be prevented from access to and from their property and no other property owners in the vicinity will be adversely affected.

6. NO FEDERAL OR STATE HIGHWAY AFFECTED: The undersigned certify that the above described road, right-of-way or land is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes; and that such road, right-of-way or land is under the control and jurisdiction of the Board of County Commissioners.

7. GROUNDS FOR REQUESTING PETITION: The undersigned submit as a grounds and reasons in support of this petition the following (state in detail, why petition should be granted): PORTIONS OF THEO. LW 178 STREET (1/2 SECTION 106) HAVE ALREADY BEEN VACATED BY ROAD CLOSING PETITIONS AND IS NO LONGER REQUIRED

8. INTENT: The undersigned submit as grounds and reason for the utilization of the land sought to be closed (state purpose in detail): PLATTING OF PROPERTY

(Petition must be signed by all property owners abutting the road, right-of-way or land to be closed or abandoned)

Respectfully submitted,

NAME SIGNATURE  
For: Southwest Florida Land  
Developers and Investors Inc.

  
MR. PASCO AZOFEIFA PRESIDENT

ADDRESS

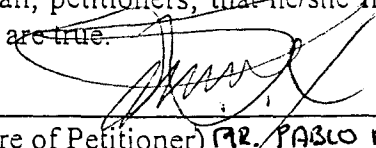
7590 LW 186 STREET #109  
MIAMI FLORIDA 33015

Attorney for Petitioner

Address: \_\_\_\_\_  
(Signature of Attorney not required)


STATE OF FLORIDA                     )  
  )ss  
MIAMI-DADE COUNTY                 )

BEFORE ME, the undersigned authority, personally appeared PABLO ARDILA, who first by me duly sworn, deposes and says that he/she is one of the petitioners named in and who signed the foregoing petition; that he/she is duly authorized to make this verification for and on behalf of all, petitioners; that he/she has read the foregoing petition and that the statements therein contained are true.

  
(Signature of Petitioner) MR. PABLO ARDILA PRES.  
FOR SOUTHWEST FLORIDA LAND DEVELOPERS  
AND INVESTORS, INC.

Sworn and subscribed to before me this

4 day of MARCH, 2003

  
Notary Public state of Florida at Large

My Commission Expires: NOV-19-2004

